

MS PETITION
Docket No.: 1422-0714PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masazumi YASUMOTO et al.

Application No.: 10/574,904

Confirmation No.: 7136

Filed: April 6, 2006

Art Unit: N/A

For: COMPOSITION FOR INHIBITING
FUNCTION OF HUMAN FLT3

Examiner: Not Yet Assigned

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

In response to the Notice of Abandonment mailed May 15, 2009, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on November 17, 2008.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed November 17, 2008;
- a text copy of the sequence listing; and

- a copy of the e-filing confirmation copy.

2. TERMINAL DISCLAIMER

☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

Applicants were not accorded a notice from the USPTO advising of the exclusion of the text copy of the sequence listing when submitting the response on November 17, 2008. Therefore, a notice of abandonment was incorrectly mailed. It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

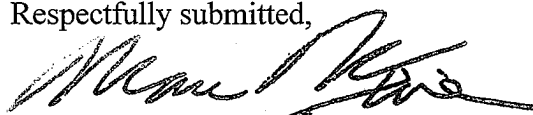
If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Marc S. Weiner, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred as an oversight on the part of the U.S. Patent and Trademark Office since the Response was timely filed on November 17, 2008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: JUN 9 2009

Respectfully submitted,



By _____
Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Copy of Reply filed November 17, 2008
Text copy of sequence listing
Copy of e-mail confirmation of November 17, 2008 filing

Electronic Acknowledgement Receipt

COPY

EFS ID:	4301948
Application Number:	10574904
International Application Number:	
Confirmation Number:	7136
Title of Invention:	Composition for inhibiting function of human flt3
First Named Inventor/Applicant Name:	Masazumi Yasumoto
Customer Number:	02292
Filer:	Marc S. Weiner/Bonnie Hughes
Filer Authorized By:	Marc S. Weiner
Attorney Docket Number:	14220714PUS1
Receipt Date:	17-NOV-2008
Filing Date:	
Time Stamp:	16:34:41
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		20081117Amendment.pdf	315567 01c4a14d91e9af8d4b9ba8eeabe04725eb64e027	yes	19

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Miscellaneous Incoming Letter		1	1
Amendment/Req. Reconsideration-After Non-Final Reject		2	2
Sequence Listing		3	3
Applicant Arguments/Remarks Made in an Amendment		4	4
Sequence Listing		5	17
Miscellaneous Incoming Letter		18	19

Warnings:

Information:

2	Sequence Listing	SequenceListing.pdf	3164057	no	10
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Warnings:

Information:

Total Files Size (in bytes):	3479624
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

COPY

AMENDMENT TRANSMITTAL LETTER			Docket No. 1422-0714PUS1		
Application No. 10/574,904-Conf. #7136	Filing Date April 6, 2006	Examiner Not Yet Assigned	Art Unit N/A		
Applicant(s): Masazumi YASUMOTO et al.					
Invention: COMPOSITION FOR INHIBITING FUNCTION OF HUMAN FLT3					
MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	21	- 21 =	0	x 52.00	0.00
Independent Claims	4	- 4 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>02-2448</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
Marc S. Weiner Attorney Reg. No.: 32,181				Dated: NOV 17 2008	
BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 Gatehouse Road Suite 100 East P.O. Box 747 Falls Church, Virginia 22040-0747 (703) 205-8000					

EAC

BOX SEQUENCE
PATENT
1422-0714PUS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Masazumi YASUMOTO et al.

Application No.: 10/574,904

Confirmation No.: 7136

Filed: April 6, 2006

Art Unit: N/A

For: COMPOSITION FOR INHIBITING
FUNCTION OF HUMAN FLT3

Examiner: Not Yet Assigned

AMENDMENT

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply mailed October 20, 2008 (a copy of which is attached hereto), the following amendments and remarks are respectfully submitted in connection with the above-identified application.

This Reply includes:

- Amendments** to the Sequence Listing begin on page 2 of this paper.
- Remarks/Arguments** begin on page 3 of this paper.
- An **Appendix** including the paper and electronic CRF copy of the Sequence Listing is attached following page 3 of this paper.

AMENDMENTS TO THE SEQUENCE LISTING

IN THE SEQUENCE LISTING

Please replace the Sequence Listing of record with the Substitute Sequence Listing enclosed herewith.

REMARKS

Enclosed herewith in full compliance with 37 C.F.R. §§1.821-1.825 is a Substitute Sequence Listing to be inserted into the specification as indicated above. The Substitute Sequence Listing in no way introduces new matter into the specification. Also submitted herewith in full compliance with 37 C.F.R. §§1.821-1.825 is an electronic CRF copy of the Substitute Sequence Listing. The electronic CRF copy of the Substitute Sequence Listing, file "2008-11-12 1422-0714PUS1.txt", is identical to the paper copy, except that it lacks formatting. In no way do the paper copy nor the electronic CRF copy of the Substitute Sequence Listing introduce new matter into the application.

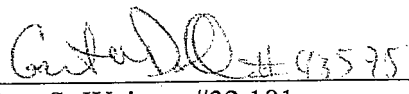
The Sequence Listing is updated to identify the present application by filing date and serial number and to correct matters of form. No new matter is introduced by these amendments.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,


NOV 17 2008

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181 *for*

MSW/psq
1422-0714PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

 Attachments:

Electronic CRF Copy of Substitute Sequence Listing
Paper Copy of Substitute Sequence Listing
Copy of Notice to Comply

COPY

<110> YASUMOTO, Masazumi
SHIMADA, Masamitsu
HINO, Fumitsugu
KATO, Ikunoshin

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371 FORMALITIES LETTER



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SM KH
Sequence Listing
11/20/08

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to comply with the sequence rules, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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